

REMARKS

Claims 1-64 are now pending in the application with claims 3-6, 8-18, 21-26, 29-32, 34-44, and 47-64 having been previously withdrawn. Claims 1 and 27 are currently amended. No claims are newly added by this amendment. Basis for the amendments can be found throughout the specification, claims and drawings as originally filed.

Applicant would like to thank the Examiner for the courtesies extended to applicant's representative during a telephone interview on May 13, 2010. During that interview, the Li reference was discussed and, more particularly, how the size of the data segments was being determined. The Examiner conceded that the precise nature of this determination was ambiguous from the teachings of paragraph [0083] and that further consideration of the entirety of the reference was needed. No agreement was reached as to whether the current rejections were overcome by the arguments set forth below. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Pub. No. 2002/0163879 (Li) in view of U.S. Patent Pub. No. 2003/0185241 (Lu). This rejection is respectfully traversed.

Li relates generally to a method for subcarrier allocation and loading for a multi-carrier, multi-subscriber system. The Examiner relies upon Li to teach fragmenting a data part into X data blocks by applying a size ratio as recited in the pending claims. In particular, the Examiner relies upon paragraph [0083] to teach this feature. Applicant

has closely reviewed the teachings of this paragraph and cannot understand how the data segments are formed as well as how the size of the data segments is determined. The teachings of the Li reference are ambiguous at best and possibly non-enabling.

Applicant's invention relates generally to a method for transmitting data packets simultaneously between two stations. Of note, data is divided into a number of data blocks according to transmission rates so that each data block requires the same amount of transmission time. Specifically, claim 1 recites "calculating a size ratio amongst the respective transmission rates, where the size ratio is a ratio between the respective transmission rates for each of the idle radio channels [and] ... fragmenting a data part extracted from a data field of said one data frame to be transmitted by applying said size ratio, to generate X data blocks ..." in combination with the other elements of the claim. As discussed above, the Li reference fails to meet this limitation of applicant's claimed invention. Claim 27 has been amended in a similar manner. Therefore, it is respectfully submitted that Claims 1 and 27, along with claims depending therefrom, define patentable subject matter over this combination of references. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of these claims.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office

Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 17, 2010

By: /Timothy D. MacIntyre/ _____
Timothy D. MacIntyre
Reg. No. 42,824

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

TDM/dec

15489453.1